

Appl. No. 10/506,757

Amendment and Reply dated April 13, 2006

In Response to Final Office Action of February 15, 2006

REMARKS

Claims 10-18 were pending and examined. In the Office Action, Claims 10-13 and 16-18 were rejected under 35 U.S.C. §102(b), Claims 14 and 15 were objected to and no claims were allowed. The rejection of Claims 10-13 and 16-18 has been made final.

By this Amendment and Reply, Claims 10 and 15 are proposed to be amended, no claims are proposed to be canceled and Claims 19 and 20 are proposed to be added. Accordingly, Claims 10-20 are presented for further examination. Entry of the above-described amendments and favorable reconsideration of this application in light of the following discussion is respectfully requested.

Proposed Amendments to Claims:

As noted above, it is proposed to amend independent Claim 1 and dependent Claim 15. Support for the proposed claim amendments may be found in the original disclosure. Thus, no new matter is presented.

Additionally, as part of this Amendment and Reply, it is proposed to add Claims 19 and 20. Support for these newly added claims may be found in the original disclosure and, thus, no new matter is presented.

Examiner's Response to Previously Submitted Arguments:

In the Office Action the Examiner states that Applicant's arguments submitted 04 January 2006 directed to then pending Claims 10-18 were considered but found non-persuasive. The Examiner again informs Applicant that Claims 14 and 15 would be allowable if rewritten in independent form including all of the limitations of the base and any intervening claims. The Examiner is thanked for this notice with respect to Claims 14 and 15.

In the Office Action, the Examiner maintains, and now makes final, the rejection of Claims 10-13 and 16-18 under 35 U.S.C. §102(b) as allegedly being anticipated by Trawoger et al. (U.S. Patent No. 5,484,282). This rejection is respectfully disagreed with, and traversed below.

The arguments and remarks made previously are repeated and incorporated by reference herein and, in particular, the descriptions of Trawoger et al.

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As previously noted, Trawoger et al. is merely seen to disclose a separator for separating a mixture of solid and liquid, such as waste water originating from dental practice, with an inlet for the mixture that is to be separated, with an outlet for the liquid that has been separated off with a centrifuge having an inlet opening on the top, a transfer opening associated with the outlet for the liquid and a drain for the solids, with a removable settling tank that is arranged beneath the outlet for the solids and used for the solids that run off after each centrifuging phase as a result of gravity. In this separator, the residual liquid is collected in the settling tank, from which the remaining liquid is moved upwards and into the mixture inlet by means of a pump.

Without addressing the patentability of independent Claim 10 as previously presented in view of Trawoger et al., and merely to streamline prosecution of the present application, a clarifying amendment is proposed to independent Claim 10. It is also proposed to clarify dependent Claim 15, to remove a limitation now recited in independent Claim 10.

In view of the clarifying amendments, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 10 under 35 U.S.C. §102(b) as being anticipated by Trawoger et al. as Trawoger et al. are not seen to expressly describe or suggest all of the limitations of Claim 10, as now written. For example, Claim 10, as now written, recites:

“10. A centrifugal separator including a centrifugal rotor arranged for rotation around a substantially vertical rotational axis (R), the centrifugal rotor having a rotor body, delimiting a separation chamber, and a pumping member, that is arranged to rotate with the rotor body and to extend during the operation of the centrifugal rotor downwardly from the rotor body and into a liquid body, situated under the rotor body, for pumping of liquid from the liquid body into the rotor body,

the pumping member having on an outside thereof, a pumping surface facing away from the rotational axis (R), extending mainly rotational-symmetrically around the rotational axis (R) and contacting a free liquid surface on said liquid body in an area extending around the pumping member,

the pumping surface ..., having a generatrix ..., so that upon rotation of the rotor liquid will flow upwards from the free liquid surface on the outside of the pumping member, wherein

the rotor delimits a receiving space ..., and wherein

the pumping member includes a continuous surface extending from the pumping surface into a part of the receiving space of the rotor.”

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It is respectfully submitted that Trawoger et al. are not seen to expressly describe or suggest all of the limitations of independent Claim 10 as now written. In that independent Claim 10 is deemed allowable, the claims that depend from and further limit this independent claim, are deemed allowable.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of Claims 10-13 and 16-18, as now written, under 35 U.S.C. §102(b) as being anticipated by Trawoger et al.

Newly Added Claims:

As part of this Amendment and Reply, Claims 19 and 20 are added. Support for these newly added claims may be found in the original disclosure and at least at paragraphs [0020]-[0021] and [0027]-[0029], and FIGS. 1 and 2. Thus, no new matter is presented.

Applicant believes that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are allowable. In view of the foregoing points that distinguish Applicant's invention from those of the prior art and render Applicant's invention novel and non-obvious, Applicant respectfully requests that the Examiner reconsider the present application, remove the rejections, and allow the application to issue.

If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

Based on the foregoing and for at least these reasons, Applicant respectfully submits that claims of the application in question are in condition for allowance and an early action to that effect is earnestly solicited.

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No fee is believed due with the filing of this Amendment and Reply. However, if a fee is due, Applicant authorizes the payment of any additional charges that may be necessary to maintain the pendency of the present application to the undersigned attorney's Deposit Account No. 503342.

Respectfully submitted,
Michaud-Duffy Group, LLP

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